

**703 KAR 5:260. Implementation of intervention options in priority schools and districts.**

RELATES TO: KRS 158.6453, 158.6455, 158.782, 160.346

STATUTORY AUTHORITY: KRS 156.029(7), 156.070(5), 158.6453, 158.6455, 160.346

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.029(7) indicates the primary function of the Kentucky Board of Education (KBE) is to adopt policies and administrative regulations by which the Kentucky Department of Education (department) shall be governed in planning and operating programs within its jurisdiction. KRS 156.070(5) requires the KBE, upon the recommendation of the Commissioner of Education, to establish policy or act on all programs, services, and other matters which are within the administrative responsibility of the department. KRS 158.6453(3)(a) vests in the KBE the responsibility to create an assessment system that measures achievement of the state learning goals, ensures compliance with Title I of the federal Elementary and Secondary Education Act of 1965 (ESEA), 20 U.S.C. sec. 6301, et seq., and ensures school accountability. KRS 158.6455 requires the KBE to create an accountability system to classify schools and districts, and to establish appropriate consequences for schools failing to meet their accountability measures. KRS 160.346 requires the KBE to promulgate administrative regulations to establish the process for implementing school interventions and alternate management options for schools, districts, and the state for persistently low-achieving schools, now identified as priority schools. Section 1003(g) of Title I of the Elementary and Secondary Education Act of 1965, as amended, (Title I, ESEA, or 20 U.S.C. 6303(g)) requires the KBE to identify the state's lowest-achieving schools (referenced in KRS 160.346 as "persistently low-achieving schools") as "priority schools", and for those priority schools to follow the requirements of 20 U.S.C. 6303(g) regarding school intervention options. This administrative regulation establishes the process and procedures for implementing school interventions and alternate governance options for priority schools and districts.

Section 1. Definitions. (1) "Annual measurable objective" or "AMO" "means the improvement goal for each school or district calculated from the overall score.

(2) "Diagnostic review process" means the review and audit process required under KRS 158.6455 and 160.346 to establish appropriate consequences for districts containing priority schools, priority districts, and priority schools.

(3) "Diagnostic review team" means an audit team approved by the Commissioner of Education or his or her designee to conduct a school or district diagnostic review required by KRS 160.346.

(4) "District diagnostic review" means an assessment that:

(a) Reviews the functioning of the district and the district's ability to manage an intervention in a priority school; and

(b) Meets the requirements of KRS 160.346(3)(b).

(5) "District that contains a priority school" means a district that has not been identified as a priority district but that has in its jurisdiction one (1) or more priority schools.

(6) "Persistently low-achieving school" is defined by KRS 160.346(1)(a).

(7) "Priority district" means a district that has an overall score in the bottom five (5) percent of overall scores for all districts that have failed to meet the AMO for the last three (3) consecutive years.

(8) "Priority school" means a school that has an overall score in the bottom five (5) percent of overall scores by level for all schools that have failed to meet the AMO for the last three (3) consecutive years.

(9) "School diagnostic review" means an assessment that:

- (a) Reviews the functioning of a school; and
- (b) Meets the requirements of KRS 160.346(3)(a).
- (10) "School intervention" is defined by KRS 160.346(1)(b).

Section 2. Diagnostic Review Team Selection and Membership. (1)(a) Members of the diagnostic review team shall be selected from qualified applicants by the department, and approved by the Commissioner of Education or his or her designee.

(b) The team members shall complete department-provided or approved training in any areas needed to effectively perform their duties.

(c) Members shall hold appropriate certification or qualifications for the position being represented.

(d) The team shall not include any members currently employed by the district or school under review.

(2) The team shall include the following representation:

(a) The chairperson, who shall be designated by the department or its designee, and shall be:

1. A certified administrator approved by the department to provide highly skilled education assistance as required by KRS 158.782;

2. A certified administrator member of the review team; or

3. A similarly qualified professional approved by the department;

(b) An individual approved by the department to provide highly skilled education assistance as required by KRS 158.782;

(c) A teacher who is actively teaching or has taught within the last three (3) years;

(d) A principal who is currently serving or has served as a principal within the last three (3) years;

(e) A district level administrator who is currently serving or has served in a district administrative position within the last three (3) years;

(f) A parent or legal guardian who has or has had a school-aged child; and

(g) A university representative who is currently serving or has served in that capacity within the last three (3) years.

(3) The chair may serve in addition to the six (6) members outlined in subsection (2)(b) through (g) of this section, or may be selected from those six (6) members who also meet the qualifications of subsection (1)(a) of this section.

Section 3. School Diagnostic Review. (1) Within ninety (90) days of identification as a priority school by the department, a school diagnostic review shall be scheduled to review the functioning of the school council and the specific leadership capacity of the principal.

(2) The determination of the principal and school based decision-making council's ability to lead the intervention in the school shall be based upon an assessment of whether:

(a) The principal and council demonstrate maintenance and communication of a visionary purpose and direction committed to high expectations for learning as well as shared values and beliefs about teaching and learning;

(b) The principal and council lead and operate the school under a governance and leadership style that promotes and supports student performance and system effectiveness;

(c) The principal and council establish a data-driven system for curriculum, instructional design, and delivery, ensuring both teacher effectiveness and student achievement;

(d) The principal and council ensure that systems are in place for collection and use of data;

(e) The principal and council ensure that systems are in place to allocate human and fiscal resources to support improvement and ensure success for all students; and

(f) The principal and council ensure that the school implements a comprehensive assessment system that generates a range of data about student learning and system effectiveness and uses the results to guide continuous improvement.

(3) The school diagnostic review shall include:

(a) Analysis of state and local education data;

(b) Review of comprehensive school improvement plans and other planning documents;

(c) Interviews with students, parents, all school council members, school and district personnel, and community members;

(d) Direct observation;

(e) Administration of teacher and principal working conditions surveys and student satisfaction surveys;

(f) Review of school council minutes and agendas;

(g) Administration of the Missing Piece of the Proficiency Puzzle, June 2007; and

(h) Other methods that may be required to obtain necessary information.

(4) Following the review, a report shall be submitted to the Commissioner of Education that specifically makes:

(a) A determination of the capacity of a principal and school council to lead an intervention option in a priority school;

(b) A recommendation by the diagnostic review team as to whether the principal has capacity to lead the school to recovery, or should be replaced; and

(c) A recommendation by the diagnostic review team as to whether the school council has capacity to lead the school to recovery or whether school council authority should be transferred.

(5)(a) If the school council is determined to have leadership capacity, it shall retain its authority.

(b) If the school council is determined not to have leadership capacity, the council shall either remain as an advisory council or be replaced by the Commissioner of Education.

(6) Following the initial diagnostic review process, a review shall be repeated at least once every two (2) years or as often as the commissioner deems necessary.

(7) Pursuant to KRS 160.346(8), the authority of the school council shall be restored if the school is not classified as persistently low-achieving for two (2) consecutive years.

(8) The Commissioner of Education shall notify a school or district that it has exited priority status if the school:

(a) Meets AMO goals for three (3) consecutive years;

(b) Is no longer identified by KRS 160.346(1)(a)'s applicable percent calculation of being in the lowest five (5) percent; and

(c) Scores at or above the graduation rate goals as required by 703 KAR 5:225.

Section 4. District Diagnostic Review. (1) Within ninety (90) days of identification by the department of a district containing a priority school, or of a priority district, a district diagnostic review shall be scheduled to review the functioning of the district administration and its specific leadership capacity related to each identified priority school.

(2) The determination of the district's level of functioning and ability to manage the intervention in the priority school shall be based upon an assessment of capacity in the following areas:

(a) The district demonstrates maintenance and communication of a visionary purpose and direction committed to high expectations for learning as well as shared values and beliefs about teaching and learning;

(b) The district leads and operates the school district under a governance and leadership

style that promotes and supports student performance and system effectiveness;

(c) The district establishes a data-driven system for curriculum, instructional design, and delivery, ensuring both teacher effectiveness and student achievement;

(d) The district ensures that systems are in place for collection and use of data;

(e) The district ensures that systems are in place to allocate human and fiscal resources to support improvement and ensure success for all students; and

(f) The district ensures that a comprehensive assessment system, which generates a range of data about student learning and system effectiveness and uses the results to guide continuous improvement, is implemented.

(3) The district diagnostic review shall include:

(a) Analysis of state and local education data;

(b) Review of school board minutes;

(c) Review of comprehensive district improvement plans and other planning documents;

(d) Interviews with school board members, students, parents, school and district personnel, and community members;

(e) Direct observation;

(f) Administration of teacher and principal working conditions surveys and student satisfaction surveys;

(g) Administration of the Missing Piece of the Proficiency Puzzle, June 2007; and

(h) Other methods that may be required to obtain necessary information.

(4) Following the review, a report shall be submitted to the Commissioner of Education that specifically makes a recommendation regarding the district's level of functioning and whether the district has the capability and capacity to manage the intervention in each identified school.

(5) There shall be only one (1) district diagnostic review per district, per year, regardless of the number of priority schools located in the district.

(6) A school or district review shall be repeated every two (2) years or as often as the Commissioner of Education deems necessary.

Section 5. Notification to Schools and Districts of Diagnostic Review Determination. (1) After completion of the district diagnostic review and within the deadline set in KRS 160.346(4), the Commissioner of Education shall notify in writing the school council, principal, superintendent, and local board of education of the determination regarding:

(a) School council leadership capacity and authority to manage the intervention in a priority school;

(b) Principal leadership capacity and authority; and

(c) District leadership capacity and authority.

(2) The notification shall include a statement of the appeal process to the KBE provided in KRS 160.346(5). The Commissioner of Education shall make the final report publicly available.

Section 6. Authority to Select an Intervention Option. (1)(a) The school council shall, within thirty (30) days after the receipt of the final determination and pursuant to KRS 160.346, choose an intervention option and develop an action plan if the final determinations in the diagnostic reviews are that:

1. The school council has sufficient capacity to manage the intervention; and

2. The district has the capacity to support the intervention.

(b) The council shall present the option and plan to the local board of education, which shall give final approval and provide the necessary support and resources for the intervention effort.

(2)(a) The superintendent shall, within forty-five (45) days after the receipt of the Commissioner of Education's notification or thirty (30) days after the action of the KBE if an appeal is

filed, make a recommendation for an intervention option if the final determinations in the diagnostic reviews are that:

1. The school council does not have sufficient capacity to manage the intervention and is recommended to become advisory; and

2. The district has sufficient capacity to support the intervention and council authority is recommended to be transferred to the superintendent.

(b) The superintendent shall submit the choice to the local board of education, which shall make the final determination on the intervention option.

(3)(a) The school council shall, within thirty (30) days after the receipt of the Commissioner of Education's notification or thirty (30) days after the action of the KBE if an appeal is filed, choose the intervention option if the final determinations in the diagnostic reviews are that:

1. The school council has sufficient capacity to manage the intervention; and

2. The district does not have the capacity to support the intervention.

(b) The school council shall submit its choice to the local board of education, which shall review the option chosen by the school council and submit the choice to the Commissioner of Education, who shall approve the choice.

(4)(a) The Commissioner of Education shall, within forty-five (45) days after receipt of the determinations specified in this paragraph and in consultation with the advisory school council, superintendent, and local board of education, determine the intervention option if the final determinations in the diagnostic reviews are that:

1. The school council does not have sufficient capacity to manage the intervention and is recommended to become advisory; and

2. The district lacks sufficient capacity to support the intervention and council authority is recommended to be transferred to the Commissioner of Education.

(b) The identified school and local district shall implement the intervention option with support from the department.

School council has capacity to lead the intervention	District has capacity to lead the intervention	Choice of intervention option
Yes	Yes	School council chooses option and develops action plan, which is submitted to board, board approves and provides necessary support.
No	Yes	Superintendent recommends to local board, board has final approval.
Yes	No	School council chooses option, submits to board, board reviews and submits to Commissioner of Education,

		Commissioner of Education approves.
No	No	Commissioner of Education chooses option in consultation with advisory school council, superintendent, and local board. School and district implement option with department support.

Section 7. Replacement of School Council Members by the Commissioner of Education. (1) When the Commissioner of Education is required to appoint advisory school council members to serve until the requirements of KRS 160.346(8) are met, the Commissioner of Education shall include three (3) teachers and two (2) parents from the school. These members may be appointed from a list of nominees submitted by the superintendent.

(2) The Commissioner of Education shall select candidates who are capable of providing leadership in the turnaround environment of the school and meet the requirements of KRS 160.345.

(3) The commissioner shall fill any subsequent vacancy through this procedure, until full authority is restored to the school council.

Section 8. Implementation of Intervention Options. (1) A school or district engaging in the re-staffing option shall:

(a) Replace the principal, if required by KRS 160.346(9)(b), with a certified principal who has specific training in turning around low-achieving schools and grant the new principal sufficient operational flexibility, including staffing, calendars, time, and budgeting, to fully implement a comprehensive approach to substantially improve student achievement outcomes and, if a high school, increase high school graduation rates;

(b) Replace the school council, if required by KRS 160.346(9)(b), with individuals appointed by the Commissioner of Education pursuant to Section 7 of this administrative regulation;

(c) Use competencies adopted by the local board of education to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students when screening the existing staff, rehiring no more than fifty (50) percent of those staff, and selecting new staff as required by KRS 160.346(9)(b);

(d) Implement strategies, including more flexible working conditions, that are designed to increase opportunities for career growth and are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in the priority school;

(e) Provide staff with ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed with school staff to ensure that they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement intervention strategies;

(f) Adopt a new governance structure which shall include requiring the school to provide quarterly progress reports to the local board of education and the department;

(g) Use data to identify and implement an instructional program that is research-based and aligned from one (1) grade to the next as well as aligned with the Kentucky Core Academic

Standards established in 704 KAR 3:303;

(h) Promote the continuous use of student data from formative, interim, and summative assessments to inform and differentiate instruction in order to meet the academic needs of individual students;

(i) Establish schedules and implement strategies that provide increased learning time; and

(j) Provide appropriate social, emotional, and community-oriented services and supports for students.

(2) A school or district engaging in the external management option shall:

(a) Choose an external management organization (EMO) from a list of approved EMOs established by the KBE pursuant to Section 9 of this administrative regulation;

(b) Contract with the EMO to provide day-to-day management of the school; and

(c) Provide quarterly progress reports to the local board of education and the department.

(3) A school or district engaging in the transformation option shall:

(a) Replace the principal, if required by KRS 160.346(9)(d), with a certified principal who has specific training in turning around low-achieving schools;

(b) Replace the school council, if required by KRS 160.346(9)(d), with individuals appointed by the Commissioner of Education pursuant to Section 7 of this administrative regulation;

(c) Use rigorous, transparent, and equitable evaluation systems for teachers and principals that:

1. Take into account data on student growth as a significant factor as well as other factors such as multiple observation-based assessments of performance and ongoing collections of professional practice reflective of student achievement and increased high school graduations rates; and

2. Are designed and developed with teacher and principal involvement;

(d) Identify and provide additional leadership and compensation opportunities to school leaders, teachers, and other staff who have increased student achievement and high school graduation rates, if applicable, and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so;

(e) Provide staff with ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed in conjunction with school staff to ensure they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies which shall include:

1. Subject-specific pedagogy;

2. Instruction that reflects a deeper understanding of the community served by the school; and

3. Differentiated instruction;

(f) Implement strategies designed to increase opportunities for career growth which shall include more flexible working conditions designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in a transformation school;

(g) Use data to identify and implement an instructional program that is research-based and aligned from one (1) grade to the next as well as aligned with the Kentucky Core Academic Standards as established in 704 KAR 3:303;

(h) Promote the continuous use of student data from formative, interim, and summative assessments to inform and differentiate instruction in order to meet the academic needs of individual students;

(i) Increase learning time and create community-oriented schools that:

1. Establish schedules and implement strategies that provide increased learning time; and

2. Provide ongoing mechanisms for family and community engagement;

(j) Provide operational flexibility and sustained support that:

1. Gives the school sufficient operational flexibility, including staffing, calendar, time, and budgeting to fully implement a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates; and

2. Ensures that the school participates in ongoing, intensive technical assistance and related support from the local district and the state; and

(k) Provide quarterly progress reports to the local board of education and the department.

(4) A school or district engaging in the school closure option shall develop a plan for the closure of the school. The plan shall include:

(a) A process for the transfer of students to higher performing schools in the district;

(b) A determination by the local board of education regarding staff assignments and the use of the existing facility and other assets;

(c) A method for monitoring the progress of students in their new school environment; and

(d) A quarterly progress report to the local board of education and the department.

Section 9. Establishment of Approved External Management Organizations. (1) The list of approved external management organizations (EMOs) shall be created by the Commissioner of Education following the application process established in subsection (2) of this section.

(2) The Commissioner of Education shall issue a request for information to solicit EMO applicants who shall detail the scope of the services they are able to provide to a priority school. The request for information shall require the following information regarding the EMO applicant's qualifications:

(a) The ability of the EMO to staff the school, during the period of the EMO contract, with dynamic leadership with experience in turning around low-achieving schools;

(b) The ability of the EMO to conduct a needs assessment in the school and develop a plan of action based on the needs assessment;

(c) The ability of the EMO to deliver a comprehensive list of services designed to turn around the school;

(d) The ability of the EMO to screen staff and make decisions on staff assignments;

(e) The familiarity of the EMO with Kentucky education statutes and administrative regulations;

(f) The experience, demonstrated in other schools or states, of the EMO in turning around low-achieving schools;

(g) References from other low-achieving schools or school districts supporting the EMO's ability to turn around low-achieving schools;

(h) Evidence provided by the EMO that its provision of services includes instructional leadership, professional learning support for teachers and other staff, and services to families and community stakeholders;

(i) Evidence of the EMO's financial stability, any pending or threatened litigation, and liability insurance coverage; and

(j) Other information required pursuant to KRS Chapter 45A.

(3) The Commissioner of Education shall review all responses and determine which applicants meet the criteria in subsection (2) of this section. The qualifying applicants shall be submitted to the KBE for approval. The list of approved EMOs shall be made public upon approval by the KBE.

Section 10. Incorporation by Reference. (1) "The Missing Piece of the Proficiency Puzzle, June 2007", is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Education, Office of Next Generation Schools and Districts, 8th



Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (41 Ky.R. 375; Am. 1522; eff. 2-6-2015.)